## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)
Plaintiff,	
	)
	)
VS.	) 2:06-cr-00239-RCJ-PAL
	)
DOMININIC DAVIS, et al.,	) ORDER
D. C. 1	)
Defendants.	)
	)

Defendants Dominic Davis and Harlon Jordan were convicted of brandishing a firearm during, in relation to, and in furtherance of a conspiracy to commit bank robbery under 18 U.S.C. § 924(c). They moved for relief from these convictions pursuant to 28 U.S.C. § 2255, claiming that their convictions are improper under Johnson v. United States, 135 S. Ct. 2551 (2015). In Johnson, the Court invalidated the residual clause of the Armed Career Criminal Act. At the time of their original motions, the Ninth Circuit held that the Supreme Court has not yet recognized whether Johnson also invalided the residual clause in § 924(c)(3)(B). This Court denied these motions, and both Defendants appealed. During the course of the appeal, the Supreme Court held that the residual clause under § 924(c)(3)(B) was also unconstitutional in *United States v. Davis*, 139 S. Ct. 2319 (2019). Defendants therefore filed renewals of their § 2255 motions based upon Davis.

(ECF Nos. 255 and 256.) The Ninth Circuit has since affirmed the Court's denials of their under-lying motions and considered Davis. (ECF No. 257.) For this reason, the Court denies the renewals as moot. **CONCLUSION** IT IS HEREBY ORDERED that Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. 2255 (ECF No. 255) is DENIED AS MOOT. IT IS FURTHER ORDERED that Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. 2255 (ECF No. 256) is DENIED AS MOOT. IT IS SO ORDERED. Dated November 8, 2021. ROBE/R United States District Judge